



PATENT APPLICATION

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PATENT AND TRADEMARK OFFICE

BEFORE THE HONORABLE BOARD OF PATENT APPEALS AND INTERFERENCES

In re the Application of

Hiroyuki FUNAHASHI

On Appeal from Group: 2141

Application No.: 09/231,114

Examiner: P. KANG

Filed: January 14, 1999

Docket No.: 102580

For: NETWORK SYSTEM, TERMINAL AND RECORDING MEDIUM

APPEAL BRIEF TRANSMITTAL

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Attached hereto is our Brief on Appeal in the above-identified application.

Also attached hereto is our Check No. 172120 in the amount of Five Hundred Dollars (\$500.00) in payment of the Brief fee under 37 C.F.R. 1.17(c). In the event of any underpayment or overpayment, please debit or credit our Deposit Account No. 15-0461 as needed in order to effect proper filing of this Brief.

For the convenience of the Finance Division, two additional copies of this transmittal letter are attached.

Respectfully submitted,

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PATENT APPLICATION

THE UNITED STATES PATENT AND TRADEMARK OFFICE
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BRIEF ON APPEAL

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Appeal from Group 2141

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Application No. 09/231,114

I. REAL PARTY IN INTEREST

The real party in interest for this appeal and the present application is Brother Kogyo Kabushiki Kaisha, by way of an Assignment recorded in the U.S. Patent and Trademark Office at Reel 9709, Frame 0297.

II. STATEMENT OF RELATED APPEALS AND INTERFERENCES

There are no prior or pending appeals, interferences or judicial proceedings, known to Appellant, Appellant's representative, or the Assignee, that may be related to, or that will directly affect or be directly affected by or have a bearing upon the Board's decision in the pending appeal.

III. STATUS OF CLAIMS

Claims 1-6, 8, 9 and 11-20 are on appeal.

Claims 1-33 are pending.

Claims 7, 10 and 21-33 are objected to only for being dependent from a rejected base claim, but are otherwise allowable.

Claims 1-6, 8, 9 and 11-20 are rejected.

IV. STATUS OF AMENDMENTS

No Amendment After Final Rejection has been filed.

V. SUMMARY OF CLAIMED SUBJECT MATTER

Known network systems include a number of terminals connected to a network and a controller controlling the terminals via the network. The number of terminals include printers, and the controller includes a single computer that centrally controls the operation of the printers. For example, the controller affects repair to one of the printers, or if the printer can not be readily repaired, the controller substitutes a different printer for the printer in need of repair. See page 1, lines 13-18 of the present specification.

A server computer may be connected to the network to collect information on the terminals. The controller may communicate with the server computer to obtain the information on all the terminals. The use of the server computer, however, complicates the structure of the network system and increases the cost of equipment for this system. See page 1, lines 19-25 of the present specification.

The present specification describes a terminal and a network system via which the terminal and other terminals are interconnected. The network system includes a controller controlling the terminals via the network, making it possible to obtain information on the terminals efficiently without using a server computer. See page 2, lines 2-7 of the present specification.

Claim 1 is directed to a network system comprising a plurality of terminals interconnected via a network and a controller that controls the terminals via the network. The controller comprises a selecting means for selecting one of the plurality of terminals based on a user's designation, and a requesting means for requesting the selected terminal to transmit, to the controller, information on all the interconnected terminals. The selected terminal transmits a request to the other interconnected terminals to obtain the information on the other interconnected terminals. The other interconnected terminals forward to the selected terminal the information on the other interconnected terminals in response to the request. The selected

terminal forwards to the controller the information from the other interconnected terminals and information on the selected terminal.

Claim 1 includes 35 U.S.C. §112, sixth paragraph, means-plus-function features including the selecting means for selecting one of the plurality of terminals based on a user's designation, and the requesting means for requesting the selected terminal to transmit, to the controller, information on all the interconnected terminals. The selecting means may include icons displayed on a screen of the controller. See page 5, lines 16-17; page 22, lines 14-16; and page 23, lines 10-11 of the present specification. The requesting means may include a printer research request signal generated by, for example, a CPU of the controller, and a UDP/IP Protocol. See page 5, lines 17-19; page 12, line 25; page 13, line 25; and page 16, lines 23-24 of the present specification, as well as Fig. 4, Step S91.

Claim 8 recites a network system comprising a plurality of terminals interconnected via a network and a control computer controlling the terminals via the network. At least one of the terminals selected by the control computer based on a user's designation transmits a request to the other terminals to obtain the information on the other terminals. The other interconnected terminals forward to the selected terminal the information on the other terminals in response to the request. In addition, the at least one of the selected terminals forwards to the control computer the information from the other terminals and information on the selected terminal.

Claim 11 recites a terminal for connecting via a network to a plurality of other terminals. The terminal comprises requesting means for requesting the other terminals to obtain information on the other terminals. The other terminals forward the information on the other terminals in response to the request, and forward the obtained information on the other terminals to the terminal. The terminal also comprises a transmitting means for transmitting

to the network information on the terminal and the obtained information on the other terminals based on a request from the network.

Claim 11 includes 35 U.S.C. §112, sixth paragraph, means-plus-function features including the requesting means for requesting the other terminals to obtain information on the other terminals, and the transmitting means for transmitting to the network information on the terminal and the obtained information on the other terminals based on a request from the network. As noted above, the requesting means may include a printer research request signal generated by, for example, a CPU of the controller, and a UDP/IP Protocol. See page 5, lines 17-19; page 12, line 25; page 13, line 25; and page 16, lines 23-24 of the present specification, as well as Fig. 4, Step S91. The transmitting means may include a CPU, communication line, a browser, a UDP/IP Protocol, and a network. See page 3, lines 18-19; page 13, lines 2-4 and 21-25; page 14, lines 6-10 and 17-20; page 16, lines 23-24; and page 18, lines 7-8 and 14-16; page 19, lines 9-11 of the specification.

The present specification also discloses a process for controlling a plurality of terminals in a network system that are interconnected via a network and controlled by a controller via the network. The process is able to obtain information on the terminals efficiently without using a server computer. See page 2, lines 8-12 of the present specification.

Claim 15 is directed to a process for controlling by a controller connected to a network a plurality of terminals connected to the network. The process comprises the steps of selecting one of the terminals through the controller based on a user's designation and causing the selected one of the terminals to transmit a request to the other terminals to obtain information on the other terminals. The other terminals forward to the selected terminal the information on the other terminals in response to the request. The process further comprises

the step of causing the selected terminal to transmit the obtained information on the other terminals and information on the selected terminal to the controller.

The present specification also discloses a recording medium in which a program for causing the process to be implemented is recorded. See page 2, lines 13-14 of the present specification.

Claim 17 is directed to a recording medium that stores a program for execution by a controller in a network system including a plurality of terminals interconnected via a network and controlled by the controller via the network. At least two of the terminals are each adapted to obtain information on the other terminals therefrom, and transmit the obtained information on the other terminals and information on the each terminal to the controller. The program includes the steps of selecting one of the at least two terminals through the controller based on a user's designation and requesting the selected terminal to transmit a request to the other terminals to obtain the information on the other terminals, the other terminals forward to the selected terminal the information on the other terminals in response to the request, and the selected terminal forwards to the controller the information on the other terminals and information on the selected terminal.

VI. GROUND OF REJECTION TO BE REVIEWED ON APPEAL

The following ground of rejection is presented for review:

Claims 1-6, 8, 9 and 11-20 are rejected under 35 U.S.C. §103(a) over U.S. Patent No. 6,170,007 B1 to Venkatraman et al. ("Venkatraman") in view of U.S. Patent No. 5,651,006 to Fujino et al. ("Fujino").

VII. ARGUMENT

The Examiner rejects claims 1-6, 8, 9 and 11-20 under 35 U.S.C. §103(a) over Venkatraman in view of Fujino. However, the Examiner has consistently and improperly applied the law relating to obviousness. Proper application of the law demonstrates that no *prima facie* case of obviousness has been shown, and that the combinations of features recited in claims 1-6, 8, 9 and 11-20 would not have been obvious over Venkatraman in view of Fujino.

A. Claims 1-6, 8, 9 and 11-20 Are Not Rendered Obvious By Venkatraman in view of Fujino

Claims 1-6, 8, 9 and 11-20 are rejected under 35 U.S.C. §103(a) over Venkatraman in view of Fujino. Claims 1, 8, 11, 15 and 17 are the rejected independent claims, and this rejection is the only rejection of claims 1-6, 8, 9 and 11-20. As discussed below, the combinations of features recited in the independent claims would not have been obvious by any combination of Venkatraman and Fujino.

Claims 2-6 depend, directly or indirectly, from claim 1. Claim 9 depends from claim 8. Claims 12-14 depend from claim 11. Claim 16 depends from claim 15. Claims 18-20 depend, directly or indirectly, from claim 17.

Claim 1 recites "a network system comprising: a plurality of terminals interconnected via a network; and a controller that controls the terminals via the network; the controller comprising: selecting means for selecting one of the plurality of terminals based on a user's designation; and requesting means for requesting the selected terminal to transmit, to the controller, information on all the interconnected terminals; wherein the selected terminal transmits a request to the other interconnected terminals to obtain the information on the other interconnected terminals, the other interconnected terminals forward to the selected terminal the information on the other interconnected terminals in response to the request, and the

selected terminal forwards to the controller the information from the other interconnected terminals and information on the selected terminal." (Emphasis added).

Claim 8 recites "a network system comprising: a plurality of terminals interconnected via a network; and a control computer controlling the terminals via the network; wherein at least one of the terminals selected by the control computer based on a user's designation transmits a request to the other terminals to obtain the information on the other terminals, the other interconnected terminals forward to the selected terminal the information on the other terminals in response to the request, and the at least one of the selected terminals forwards to the control computer the information from the other terminals and information on the selected terminal." (Emphasis added).

Claim 11 recites "a terminal for connecting via a network to a plurality of other terminals, the terminal comprising: requesting means for requesting the other terminals to obtain information on the other terminals, wherein the other terminals forward the information on the other terminals in response to the request, and to forward the obtained information on the other terminals to the terminal; and a transmitting means for transmitting to the network information on the terminal and the obtained information on the other terminals based on a request from the network." (Emphasis added).

Claim 15 recites "a process for controlling by a controller connected to a network a plurality of terminals connected to the network, the process comprising the steps of: selecting one of the terminals through the controller based on a user's designation; causing the selected one of the terminals to transmit a request to the other terminals to obtain information on the other terminals, and wherein the other terminals forward to the selected terminal the information on the other terminals in response to the request; and causing the selected terminal to transmit the obtained information on the other terminals and information on the selected terminal to the controller." (Emphasis added).

Claim 17 recites "a recording medium that stores a program for execution by a controller in a network system including a plurality of terminals interconnected via a network and controlled by the controller via the network, at least two of the terminals being each adapted to obtain information on the other terminals therefrom, and transmit the obtained information on the other terminals and information on the each terminal to the controller, the program including the steps of: selecting one of the at least two terminals through the controller based on a user's designation; and requesting the selected terminal to transmit a request to the other terminals to obtain the information on the other terminals, the other terminals forward to the selected terminal the information on the other terminals in response to the request, and the selected terminal forwards to the controller the information on the other terminals and information on the selected terminal." (Emphasis added).

Venkatraman alone or in combination with Fujino fails to disclose the subject matter of claims 1, 8, 11, 15 and 17.

1. **Venkatraman does not teach or suggest all of the features recited in the claims**

The January 26, 2005 Office Action acknowledges that Venkatraman does not teach the claimed features of at least two of the terminals each adapted to obtain information on the other terminals, requesting means for requesting the selected terminal to transmit, to the controller, information on all the interconnected terminals; wherein the selected terminal transmits a request to the other interconnected terminal to obtain the information on the other terminals, receives the information from the other terminals, and forwards to the controller the information from the other terminals and information on the selected terminal. See pages 2-3, paragraph 3 of the January 26, 2005 Office Action.

However, at page 3 of the Office Action, the Examiner references col. 5, line 34 to col. 6, line 44 and col. 7, lines 1-53 of Fujino and asserts that Fujino teaches these claimed features.

The assertions made by the Examiner improperly apply the law relating to obviousness. Specifically, even if one of ordinary skill in the art could have combined the references as suggested by the Examiner, the presently claimed combinations of features still would not have been obtained because Fujino does not remedy the acknowledged deficiencies of Venkatraman.

2. **The Examiner's interpretation of Fujino is inconsistent with the law**

Appellant respectfully disagrees with the Examiner's interpretation of Fujino.

During examination, claims must be interpreted as broadly as their terms reasonably allow. *In re American Academy of Science Tech Center*, 367 F.3d 1359, 70 USPQ2d 1827 (Fed. Cir. 2004). That is, the words of the claims must be given their plain meaning unless applicant has provided a clear definition in the specification. *In re Zletz*, 893 F.2d 319, 321, 12 USPQ2d 1320, 1322 (Fed. Cir. 1989). "Plain meaning" refers to the ordinary and customary meaning given to the term by those of ordinary skill in the art. Claim terms are presumed to have the ordinary and customary meanings attributed to them by those of ordinary skill in the art. *Sunrace Roots Enter. Co. v. SRAM Corp.*, 336 F.3d 1298, 1302, 67 USPQ2d 1438, 1441 (Fed. Cir. 2003); *Brookhill-Wilk 1, LLC v. Intuitive Surgical, Inc.*, 334 F.3d 1294, 1298 67 USPQ2d 1132, 1136 (Fed. Cir. 2003). The use of the words in the context of the written description and customarily by those skilled in the relevant art accurately reflect both the "ordinary" and the "customary" meaning of the terms in the claims. *Ferguson Beauregard/Logic Controls v. Mega Systems*, 350 F. 3d 1327, 1338, 69 USPQ2d 1001, 1009 (Fed. Cir. 2003).

The Examiner's interpretation of the sub-manager of Fujino, as corresponding to the selected terminal of the present application, is inconsistent with the selected terminal as recited in the claims and as supported by the specification.

Specifically, neither Venkatraman nor Fujino teaches or suggests at least the feature including a request to other terminals to obtain information on the other terminals, wherein the other terminals forward to the selected terminal the information on the other terminals in response to the request, as recited in claims 1, 8, 11, 15 and 17. More specifically, Venkatraman and Fujino each fails to teach or suggest that (1) the selected terminal transmits a request to the other interconnected terminals to obtain the information on the other interconnected terminals, (2) the other interconnected terminals forward to the selected terminal the information on the other interconnected terminals in response to the request, and (3) forwarding the information from the other interconnected terminals, as recited in claims 1, 8, 11, 15 and 17.

Fujino cannot teach or suggest these features. The sub-manager 10a in Fujino is a distinct and exclusive unit provided for collecting information about terminals and managing them, but it is not a selected terminal which was selected, by a user's designation, among the plurality of terminals originally presented in the network system.

Furthermore, as acknowledged by the Examiner, the system disclosed in Fujino is a hierarchical communication network management system. The hierarchical communication network management system shown in Fig. 2 of Fujino has logical relationship of agents, sub-managers and an integration manager. See col. 6, lines 5-6 of Fujino.

It appears that the Examiner considers the sub-manager to correspond to a selected terminal. However, the sub-manager of Fujino is only used for managing and controlling the managing objects under the management of agents, and is not one of a plurality of agents or

terminals interconnected via a network, as required by each of claims 1, 8, 11, 15 and 17. See col. 5, line 52-55 of Fujino.

In addition, the sub-manager of Fujino is fixed or set as the manager for managing and controlling the managing objects. Namely, the sub-manager is not the selected terminal based on user's designation.

Accordingly, the sub-manager in Fujino works as a server computer such as described in the "Description of Related Art" of the present specification. Thus, the hierarchical network system including the sub-manager of Fujino cannot achieve obtaining information on the terminals efficiently without using such a server computer. See page 2 of the present specification.

For the foregoing reasons, Appellant respectfully submits that Venkatraman and Fujino would not have led one of ordinary skill in the art to the combinations of features of independent claims 1, 8, 11, 15 and 17.

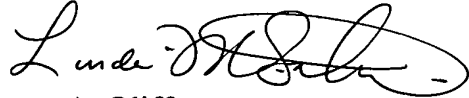
B. Conclusion

Therefore, Appellant respectfully submits that the rejection of claims 1, 8, 11, 15 and 17 is improper and should be reversed. Claims 2-6 depend from claim 1, claim 9 depends from claim 8, claims 12-14 depend from claim 11, claim 16 depends from claim 15, and claims 18-20 depend from claim 17. Thus, the rejection of claims 2-6, 9, 12-14, 16 and 18-20 also are improper and should be reversed at least for the same reasons as the claims from which they depend.

VIII. CONCLUSION

It is respectfully submitted that the rejection is in error and that claims 1-6, 8, 9 and 11-20 are in condition for allowance. Appellants respectfully request this Honorable Board to reverse the rejection of claims 1-6, 8, 9 and 11-20.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Linda M. Saltiel", with a stylized flourish at the end.

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Filed: October 21, 2005



APPENDIX A - CLAIMS APPENDIX

CLAIMS INVOLVED IN THE APPEAL:

1. A network system comprising:
a plurality of terminals interconnected via a network; and
a controller that controls the terminals via the network;
the controller comprising:
selecting means for selecting one of the plurality of terminals based on a user's designation; and
requesting means for requesting the selected terminal to transmit, to the controller, information on all the interconnected terminals;
wherein the selected terminal transmits a request to the other interconnected terminals to obtain the information on the other interconnected terminals, the other interconnected terminals forward to the selected terminal the information on the other interconnected terminals in response to the request, and the selected terminal forwards to the controller the information from the other interconnected terminals and information on the selected terminal.
2. The network system defined in claim 1, wherein the information on each of the other interconnected terminals includes link information for identifying the each terminal on the network.
3. A network system according to claim 1 wherein at least two terminals are selected by the selecting means, and one of the at least two terminals is designated by the controller.
4. The network system defined in claim 1, further comprising:
an interface interconnecting the at least one terminal and the network;

the controller further including an interface information obtaining means for obtaining information on the interface therefrom when the at least one terminal transmits the information on all the terminals to the controller.

5. The network system defined in claim 4, wherein the controller further includes a setting changing means for changing the setting or settings of the terminal transmitting the information to the controller, or of the interface.

6. The network system defined in claim 1, wherein the at least one terminal further includes a memory for storing the information on all the terminals.

7. The network system defined in claim 1, wherein each of the interconnected terminals is a printer or a scanner.

8. A network system comprising:
a plurality of terminals interconnected via a network; and
a control computer controlling the terminals via the network;
wherein at least one of the terminals selected by the control computer based on a user's designation transmits a request to the other terminals to obtain the information on the other terminals, the other interconnected terminals forward to the selected terminal the information on the other terminals in response to the request, and the at least one of the selected terminals forwards to the control computer the information from the other terminals and information on the selected terminal.

9. The network system defined in claim 8, wherein the at least one terminal further includes a memory for storing the information on all the terminals.

10. The network system defined in claim 8, wherein each of the interconnected terminals is a printer or a scanner.

11. A terminal for connecting via a network to a plurality of other terminals, the terminal comprising:

requesting means for requesting the other terminals to obtain information on the other terminals, wherein the other terminals forward the information on the other terminals in response to the request, and to forward the obtained information on the other terminals to the terminal; and

a transmitting means for transmitting to the network information on the terminal and the obtained information on the other terminals based on a request from the network.

12. The terminal defined in claim 11, wherein the information on each of the other terminals includes link information for identifying the each terminal on the network.

13. The terminal defined in claim 11, further comprising a memory for storing the information on the other terminals.

14. The terminal defined in claim 11, which is a printer or a scanner.

15. A process for controlling by a controller connected to a network a plurality of terminals connected to the network, the process comprising the steps of:

selecting one of the terminals through the controller based on a user's designation;

causing the selected one of the terminals to transmit a request to the other terminals to obtain information on the other terminals, and wherein the other terminals forward to the selected terminal the information on the other terminals in response to the request; and

causing the selected terminal to transmit the obtained information on the other terminals and information on the selected terminal to the controller.

16. The process defined in claim 15, wherein the selected terminal is adapted to obtain the information on the other terminals therefrom, and transmit the obtained

information on the other terminals and the information on the selected terminal to the controller.

17. A recording medium that stores a program for execution by a controller in a network system including a plurality of terminals interconnected via a network and controlled by the controller via the network,

at least two of the terminals being each adapted to obtain information on the other terminals therefrom, and transmit the obtained information on the other terminals and information on the each terminal to the controller,

the program including the steps of:

selecting one of the at least two terminals through the controller based on a user's designation; and

requesting the selected terminal to transmit a request to the other terminals to obtain the information on the other terminals, the other terminals forward to the selected terminal the information on the other terminals in response to the request, and the selected terminal forwards to the controller the information on the other terminals and information on the selected terminal.

18. The recording medium defined in claim 17, wherein the program further includes the step of switching from the selected terminal to the other or another of the at least two terminals.

19. The recording medium defined in claim 17, wherein the network system further includes an interface interconnecting each of the at least two terminals and the network;

the program further including the step of obtaining information on the interface connected to the selected terminal from the interface when the selected terminal transmits the information on all the terminals to the controller.

20. The recording medium defined in claim 19, wherein the program further includes the step of changing the setting or settings of the terminal transmitting the information to the controller, or of the interface connected to the terminal.

21. The recording medium defined in claim 17, wherein each of the terminals is a printer or a scanner.

22. A network system according to claim 1 wherein the selected terminal judges whether or not each of the other terminals is made from a same maker as the selected terminal.

23. A network system according to claim 22 wherein if the one of the other terminals is made from the same maker as the selected terminal, the selected terminal obtains information on the one of the other terminals.

24. A network system according to claim 22 wherein a list of the information collected on the selected terminal is displayed on a display of the controller, and, when a terminal on the network is specified on the display, information on the specified terminal is displayed on the display.

25. A network system according to claim 8 wherein the selected terminal judges whether or not each of the other terminals is made from a same maker as the selected terminal.

26. A network system according to claim 25 wherein if the one of the other terminals is made from the same maker as the selected terminal, the selected terminal obtains information on the one of the other terminals.

27. A network system according to claim 25 wherein a list of the information collected on the selected terminal is displayed on a display of the controller, and, when a terminal on the network is specified on the display, information on the specified terminal is displayed on the display.

28. A network system according to claim 15 wherein the selected terminal judges whether or not each of the other terminals is made from a same maker as the selected terminal.

29. A network system according to claim 28 wherein if the one of the other terminals is made from the same maker as the selected terminal, the selected terminal obtains information on the one of the other terminals.

30. A network system according to claim 28 wherein a list of the information collected on the selected terminal is displayed on a display of the controller, and, when a terminal on the network is specified on the display, information on the specified terminal is displayed on the display.

31. A network system according to claim 17 wherein the selected terminal judges whether or not each of the other terminals is made from a same maker as the selected terminal.

32. A network system according to claim 31 wherein if the one of the other terminals is made from the same maker as the selected terminal, the selected terminal obtains information on the one of the other terminals.

33. A network system according to claim 31 wherein a list of the information collected on the selected terminal is displayed on a display of the controller, and, when a terminal on the network is specified on the display, information on the specified terminal is displayed on the display.



Application No. 09/231,114

APPENDIX B - EVIDENCE APPENDIX

A copy of each of the following items of evidence relied on by the Appellant and/or the Examiner is attached:

NONE

APPENDIX C - RELATED PROCEEDINGS APPENDIX

Copies of relevant decisions in the following related proceedings are attached:

NONE